

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 20th July 2021

Subject: Application for the grant of a premises licence for Lietuvaite Shop Ltd,
15 Branch Road, Armley, Leeds, LS12 3AQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Armley	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of Main Issues

This is an application for the grant of a premises licence, made by Lietuvaite Shop Ltd, for Lietuvaite Shop Ltd 15 Branch Road, Armley, Leeds, LS12 3AQ.

The applicant has applied for the following:

Sale by retail of alcohol, everyday 09:00 – 21:00 (for consumption off the premises)

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from responsible authorities and other persons. These remain a matter outstanding for member's consideration.

The premises are located within an area covered by a cumulative impact policy.

1 Purpose of this Report

- 1.1 To advise Members of an application made under Section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the Premises

- 2.1 This is the first application for a premises licence for these premises.

3 The Application

- 3.1 The applicant's name is Lietuvaite Shop Ltd.
- 3.2 The proposed designated premises supervisor is Ruslanas Zirnikas.
- 3.3 In summary the application is for:
 - Sale by retail of alcohol*
 - Monday to Sunday 09:00 – 21:00 (for consumption off the premises).*
- 3.4 The applicant proposes to promote the licensing objectives by taking the steps identified in Section 18 of the application form. A copy of this can be found at Appendix A.

4 Location

- 4.1 A map which identifies the location of this premises is attached at Appendix B.

5 Representations

- 5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, must not be frivolous or vexatious.

Representations from Responsible Authorities

- 5.2 Outright representations have been received from West Yorkshire Police, the Licensing Authority and the Public Health Team in their capacities as responsible authorities.
- 5.3 The representation submitted on behalf of West Yorkshire Police can be found at Appendix C of the report.
- 5.4 The representation received on behalf of the Licensing Authority is appended to this report at Appendix D.
- 5.5 The representation received on behalf of the Public Health Team is available at Appendix E

Other representations

- 5.3 The application has attracted representation from parties (described as 'other persons' in the legislation).
- 5.4 The licensing authority is in receipt of a representation that has been submitted on behalf of the Communities, Housing and Environment Team. A copy of this representation is available at Appendix F.
- 5.5 A representation has been received on behalf of all three Armley Ward Councillors which can be seen at Appendix G of the report.
- 5.6 The application has attracted representation from a Member of Parliament for Leeds West, a copy of which is included at Appendix H.
- 5.7 A representation has been received from a representative of St. George's Crypt. Member's attention is drawn to a copy of the representation at Appendix I.
- 5.8 In order to protect personal data, redacted copies of the representations on behalf of other persons have been appended to this report. Original copies will be circulated to Members of the Licensing Sub Committee in advance of the hearing.

6 Cumulative Impact Policy

- 6.1 The premises are located within the cumulative impact area for Armley.
- 6.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to the significant number of licensed premises concentrated in one area.
- 6.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process and/or the operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting a new licence would not add to the impact already being experienced.
- 6.4 Details of the cumulative impact policy specific to Armley and an outline of the evidence behind the reason for setting this policy is attached at Appendix J.
- 6.5 Members are directed to paragraph 7.37 of the Statement of Licensing Policy which provides examples of how an application may demonstrate there will be no impact and paragraph 7.38 which provides examples of the matters that the council would not normally take into consideration.

7 Licensing Hours

- 7.1 Members are directed to paragraphs 6.6 to 6.13 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.12 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.

7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.

7.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix K.

8 Equality and Diversity Implications

8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

9 Options Available to Members

9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

10 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy